

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 106 D.C.

05 DEC -7 PM 5:16

SYDNEY L. GRAHAM,

Plaintiff,

vs.

NORMAN Y. MINETA, Secretary,
Department of Transportation,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Civil No. 05-²⁵⁴⁴~~2225~~-M1 V

PRIVACY ACT PROTECTIVE ORDER

For the purpose of protecting the rights of privacy of the Department of Transportation employees against unreasonable disclosure of information pertaining to them in furtherance of the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a (1976) and pursuant to Federal Rules of Civil Procedure, it is hereby ordered as follows:

1. This Order applies to, governs and directs the disclosure in the court of this action of all Department of Transportation records covered by the Privacy Act reasonably necessary or useful to respond to Plaintiff's Interrogatories and Request for Production of Documents, except that objections to discovery are not hereby overruled and shall be handled in accordance with the Federal Rules of Civil Procedure. This Order permits Defendant under the Privacy Act to produce categories of files or documents reasonably calculated to provide Plaintiff through his attorneys the documents sought in lieu of Defendant itself prescreening each document in order to insure that each document is one for which a request was made.

2. Such records shall be disclosed by Defendant only to Plaintiff by and through his attorneys. Plaintiff's attorneys shall be allowed to copy any such records but shall not disclose any such records or information therein to any person unless such disclosure is reasonably calculated in good faith to aid in the preparation and/or prosecution of this litigation. Plaintiff's attorneys shall insure that any person to whom disclosure may be made pursuant to this Order shall, prior to such disclosure, be informed of the terms of this Order. (Any person to whom such disclosure is made and who is aware of this Order shall be bound by the Order).

3. No person to whom a record is disclosed by Plaintiff and/or Plaintiff's attorneys shall make any copy of any such record, unless copying is necessary to aid in preparation and trial of this litigation. Neither Plaintiff, his attorneys, nor any individual to whom they make disclosure shall make any disclosure of a record covered under this Order or of any information contained in or derived from such record except for purposes required by the litigation. All records and information contained therein which are disclosed to Plaintiff and/or Plaintiff's attorneys pursuant to this Order shall be used by Plaintiff and Plaintiff's attorneys solely for the purposes of preparing for and prosecuting this litigation.

4. All documents disclosed pursuant to this Order shall be marked or designated to indicate that they are being disclosed pursuant to this order.

5. Upon conclusion of this action (including appeals), all copies of Privacy Act Protected records (except copies of document accepted into evidence) made pursuant to the terms of this Order shall be returned or destroyed within a reasonable period by Plaintiff attorneys. Nothing in this Order constitutes a decision by the Court concerning discovery disputes, or the admission into evidence of any specific document, or liability for payment of any costs of production

or reproduction thereof, nor does the Order constitute a waiver by Defendant of its right to object to the discovery or admission into evidence of any document or record subject to this Order.

ENTERED this 7th day of December, 2005.

Diane K. McCalla
JON PHIPPS MCCALLA
UNITED STATES DISTRICT JUDGE
MAGISTRATE

APPROVED:

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AMANDA M. WILLIAMS
Attorneys for Plaintiff

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Notice of Distribution

This notice confirms a copy of the document docketed as number 25 in case 2:05-CV-02544 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT